

### Remarks

Applicant has considered the Final Office Action mailed on June 6, 2006. Claims 21-31 and 33-40 are pending in the present patent application. Of the pending claims, the Examiner rejected claims 21-31 and 33-40. In response to the Final Office Action, Applicant amended claim 30 to distinguish over the combination of references used in the 35 USC §103(a) rejection. Claim 30 now recites limitations that correspond with limitations set forth in independent claims 21 and 34. No new matter has been added. Applicant also amended claim 34 to provide proper antecedent basis for terminology used throughout the claim. These amendments, which are in compliance with 37 CFR §1.116, materially clarifies the issues raised by the Examiner and do not recite differently claimed subject matter which would require a further search by the Examiner. Accordingly, Applicant requests that the Examiner enter the amendments and reconsider the present patent application in light of the above-noted changes and the following comments.

The Examiner objected to claim 34 because there was not proper antecedent basis for the phrase "the end user apparatus". Applicant amended claim 34 by removing the phrase "the end user apparatus" and replacing it with "the end user system". Applicant submits that claim 34 now provides proper antecedent basis for terminology used throughout the claim. Accordingly, Applicant requests that the Examiner reconsider and remove the objection to claim 34.

In the Final Office Action the Examiner rejected claims 21-31 and 33-40 under 35 USC §103(a) as being unpatentable over Levin et al. (US Patent No. 6,654,546) in view of Nishio et al. (US Patent No. 6,345,388). Applicant respectfully traverses the §103(a) rejection of the present patent application and submits that claims 21-31 and 33-40 are patentable over the combination of Levin et al. (hereinafter Levin) in view of Nishio et al. (hereinafter Nishio).

Independent claims 21, 30 and 34 of the present patent application each recite, *inter alia*, the limitation that the adjustment of quality is based on a change to software that controls a rendering circuit.

The Examiner noted that the primary reference Levin does not teach making an adjustment to quality that is based on a change to software that controls a rendering circuit and as a result added Nishio. The Examiner submitted that col. 4, line 64 through col. 5, line 43 in Nishio does teach making an adjustment to quality that is based on a change to software that controls a rendering circuit. Applicant does not concur and submits that the material discussed in col. 4, line 64 through col. 5, line 43 does not teach making an adjustment to quality that is based on a change to software that controls a rendering circuit. Instead, Nishio teaches that the grade of image quality that a user receives is based on performing a decoding operation of a video stream at a level according to a decoding coefficient control signal. In particular, Nishio teaches that a video decoder 11 receives a video stream 103 and a decoding coefficient control signal 104 which is indicative of the video resolution and audio quality that a user desires and performs an orthogonal transform on the video stream in accordance with a level that corresponds to the decoding coefficient. Applicant believes that performing an orthogonal transform on a video stream at a level specified by a decoding coefficient control signal does not equate to making a change to software that controls a rendering circuit as recited in independent claims 21, 30 and 34. Furthermore, Nishio provides no hint or motivation that suggests making a change to software that controls a rendering circuit to effect a change in quality.

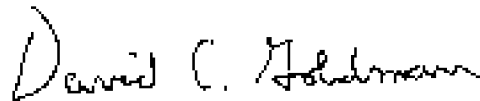
Accordingly, Applicant submits that claims 21, 30 and 34 of the present patent application are patentably distinguishable over the combination of Levin in view of Nishio. Claims 22-29; 31, 33; and 35-40 depend from presumably allowable claims 21, 30 and 34, respectively, and thus Applicant submits that these claims are allowable by dependency. Accordingly, Applicant requests that

the Examiner reconsider and remove the §103(a) rejection of claims 21-31 and 33-40.

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider this application and allow claims 21-31 and 33-40.

If the Examiner has any questions regarding the present patent application, the Examiner can call Applicant's attorney, David C. Goldman, at telephone number (518)-449-0044.

Respectfully submitted,

A handwritten signature in black ink that reads "David C. Goldman". The signature is written in a cursive, flowing style.

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